PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
PCT/US2006/033185	23.08.2006	12.09.2005

International Patent Classification (IPC) or both national classification and IPC
INV. G07F17/32

Applicant
IGT

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis*(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:	Date of completion of this opinion	Authorized Officer
European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	see form PCT/ISA/210	Breidenich, Markus Telephone No. +49 89 2399-8630

Form (PCT/ISA/237) (Cover Sheet) (April 2005)

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:

   ☒ the international application in the language in which it was filed

   ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a. type of material:

      ☐ a sequence listing

      ☐ table(s) related to the sequence listing

   b. format of material:

      ☐ on paper

      ☐ in electronic form

   c. time of filing/furnishing:

      ☐ contained in the international application as filed.

      ☐ filed together with the international application in electronic form.

      ☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-44
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-44
Industrial applicability (IA)	Yes:	Claims	1-44
	No:	Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

   D1: WO 02/01350 A1,
   D2: US 2003/0100371 A1,
   D3: US 2004/0002385 A1.

2. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

2.1 D1 is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

- in a gaming machine, a method for providing a game on demand over a data network *("Click'n Play", page 3, second paragraph)*, the method comprising the steps of:
- sending a request message for a game application over a data network *(page 10, lines 1 ff)*;
- in a network mode, receiving outputted results from an executed game application over a streaming channel of the data network for network-based game play *(page 10, lines 7-15; page 7: "server application 13", "streaming of all the applications that are requested by users")*.

2.2 The following distinguishing features are not disclosed in D1:

(i) downloading, during the network-based game play, the game application over a download channel of the data network;

(ii) in a local mode, executing the downloaded game application by the gaming machine independent of the network-based game play; and

(iii) switching instantaneously from the network mode to the local mode at the gaming machine for machine-based game play, including maintaining a status of the network-based game play.

2.3 The distinguishing features in common relate to the technical effect of combining the streaming technique with the traditional download of gaming software from a server to a client terminal.

2.4 The technical problem to be solved by the present invention may therefore be regarded as how to combine the streaming features of the gaming system in D1 with traditional data retrieval possibilities.

D1 already discloses - in the reference to the prior art - the installation of gaming software via traditional downloading, see page 1 ("media station") and page 3, last paragraph.

2.5 The skilled person would readily think of various possible ways of downloading, installing and playing game software. Since D1 already discloses - apart from the streaming technique - the conventional download of software it is clear that the skilled person would also consider combinations of these techniques.

Only as an exemplification D3 is cited which discloses the download of gaming software from a remote server to a gaming machine via network. During the download the gaming machine continues operation, see paragraph 45 of D3.

The skilled person would always consider such technique also in the gaming system of D1. The implementation into this system of D1 is straightforward, since D1 includes all technical features which are required to carry out the further method steps. Hence, claim 1 of the present application does not involve an inventive step.

3. In a further line of argumentation D2 can be used as closest prior art. D2 discloses an architecture in which a plurality of gaming machines are associated with a server for video streaming, see paragraphs 93-95.
Again, the distinguishing features are given by the above features (i)-(iii). A parallel problem-solution approach as applied above also holds for D2 as closest prior art.

4. The same reasoning as applied above under items 2 and 3 applies, mutatis mutandis, to the subject-matter of the corresponding independent claims 17, 27, 38,

40 and 44, which therefore are also considered not inventive.

5. The dependent claims do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, see documents D1 as well as D2 and the corresponding passages cited in the search report.